

TTAB

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U.S. REGISTRATION NUMBER 4509171

TTAB PROCEEDING NUMBER: 92060464

REGISTRANT: CHEYTAC USA, LLC

85, 839, 213

MARK: SAFESIDE

CORRESPONDENT: JERRY ROMANOFF

JERRY ROMANOFF, P.C.

4 OCEANVIEW COURT

LONG BEACH, NY 11561

CORRESPONDENT'S REFERENCE/ DOCKET NUMBER: SAFESIDE 101

CORRESPONDENT'S EMAIL ADDRESS: jerryromanoff@aol.com



01-13-2015

Motion to Approve a Section 7 Request Without Consent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRIAL AND APPEAL BOARD**

SAFESIDE TACTICAL, LLC

Petitioner

Processing Number: 92060464

vs.

CHEYTAC USA, LLC

Registration Number: 4,509,171

Registrant

**REGISTRANT'S MOTION TO GRANT CORRECTED DATE
OF FIRST USE WITHOUT CONSENT**

Pursuant to Rule 2.175 of the Trademark Rules of Practice and Rule 514.01 of the Trademark Trial and Appeal Board Manual of Procedures, the Registrant respectfully moves the Board to approve a good faith error in the above matter.

BACKGROUND:

The original application for Registration was filed on February 2, 2013. A good faith error was created because the date of first use was incorrectly stated as December 15, 2012. It should have been June 24, 2011. The attached invoice shows the correct date that should have been posted. This invoice was the first use of the Mark.

On November 29, 2014, The registrant filed a Section 7 to amend the Registration.

This filing was prior to the Petition to Cancellation submitted by the Petitioner.

On December 1, 2014, the Petitioner filed the Petition to Cancel which was after the filing of the Registrant's Section 7.

The Section 7 had to be corrected and was refiled on December 5, 2014.

The Section 7 request is an important part of the Registrant's defense and should not be considered a material change because of the good faith error.

CONCLUSION:

The Registrant respectfully requests that the Board grant the Section 7 request to amend the date to the actual date of first use without consent from the Petitioner.

Dated: January 11, 2015

Respectfully submitted.


Jerry Romanoff
Attorney for Registrant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of United States Registration No. 4,509,171

For the mark SAFESIDE;

Registered April 8, 2014

SAFESIDE TACTICAL, LLC.,

Petitioner

vs.

CHEYTAC USA, LLC,

Registrant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing this 11th day of January 2015

via first class mail, postage prepaid, upon:

**Mathew H. Sawyer
Mathew H. Sawyer, Esq.
The Trademark Company, PLLC
344 Maple Avenue West, Suite 151
Vienna, VA 22180**

**/Jerry Romanoff/
Attorney of Registrant
4 Oceanview Court
Long Beach, New York 11561**

Stiller's Precision Firearms LLC

Invoice

118 Regency Drive
Wylie, TX 75098

Phone #: 972-429-5000

E-mail: stiller@viperactions.com

Fax #: 972-941-8884

Web Site: viperactions.com

Date	Invoice #
5/9/2012	2352

Bill To
CheyTac LLC Darryl Miller 1121 Forest Way Nashville GA 31109

Ship To

P.O. Number	Terms	FPL #	Ship	Via	F.O.B	Project
			5/9/2012			
Quantity	Item Code	Description	Price Each	Serial #	Amount	
10	CheyTac - 1.6 408 Rep R	CheyTac PTAC 408 extreme length bolt action receiver, 1.45" chamber, .045" boltface, right bolt, right port, repeater, black, oxide finish	925.00		9,250.00T	
2	CheyTac - Lap Xt Rep R	CheyTac Periscope extreme length bolt action receiver, lapua boltface, right bolt, right port, repeater	875.00		1,750.00T	
4	CheyTac - Mag Lg Rep...	CheyTac Vindicator long bolt action receiver, mag boltface, right bolt, right port, repeater	825.00		3,300.00T	
4	CheyTac - 308 Sh Rep R	CheyTac Safeside short bolt action receiver, .308 boltface, right bolt, right port, repeater	825.00		3,300.00T	
1	Wire Transfer Fee	Fee from American National	25.00		25.00T	
		50% Deposit for OEM actions - \$8825.00				
		Out-of-state sale - exempt from sales tax	0.00		0.00	
			Total		\$17,625.00	